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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,994	03/26/2004	James Jolly Clark	5853-00506	8490

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EXAMINER

HWU, DAVIS D

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/809,994

Applicant(s)

CLARK ET AL

Examiner

Davis D. Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15, 17-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, 17-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's amendment and arguments of April 19, 2006 are acknowledged and entered.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1, 2, 4-10, 14, 15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addink et al. in view of Patterson.

Addink et al. discloses a water irrigation system comprising a computer system 20, a sensing unit in communication with the computer system, wherein the sensing unit comprises a solar radiation sensor, wherein the sensing unit is configured to receive sunlight and wherein the sensing unit is configured to provide output that is a function of the received sunlight to the computer system, wherein the computer system is configured to receive community irrigation instructions and wherein the computer system is configured to assess solar insolation based on the output from the sensing unit and control irrigation of a zone to be irrigated at least partially based on the community irrigation instructions. Patterson teaches a solar sensor comprising solar panels connected to a computer in which the solar panels sends signals to the computer to operate a device based in the assessed solar energy. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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have modified the device of Addink et al. by providing the sensing unit with solar panels since Patterson teaches that such sensing arrangements are known in the art in order to control devices based on solar energy. The sensing unit can be elevated from the computer system by at least two meters or any other distance as deemed necessary by according to users. Regarding claims 4-6, it has been held that mere placement of the sensing unit involves only routine skill in the art since the sensing unit would still carry out its function regardless of its placement to a house, building, or eave of a house.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Addink et al. in view of Patterson and in further view of Watson et al.

Watson et al. teaches a sensing unit of a water irrigation system in which power for the sensing unit is provided by solar panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Oliver Addink et al. and Patterson by incorporating a solar panel to supply at least a portion of electricity to the sensing unit as taught by Watson et al.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Addink et al. in view of Patterson and in further view of Tracy et al.

Tracy et al. teaches an irrigation system comprising an infrared receiver 320 to provide wireless communication to the system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Addink et al. and Patterson by incorporating an infrared receiver as taught by Tracy et al. to provide wireless communication to the system.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Addink et al. in view of Patterson and in further view of Zelikovitz et al.

Zelikovitz et al. teach an irrigation system comprising an infrared transceiver 50 to provide wireless communication to the system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Addink et al. and Patterson by incorporating an infrared receiver as taught by Zelikovitz et al. to provide wireless communication to the system.

8. Claims 21 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addink et al. in view Watson et al.

Addink et al. disclose a method of controlling irrigation comprising receiving sunlight through a solar sensor, assessing the solar insolation based on the received sunlight, receiving community irrigation instructions with the water irrigation system, controlling irrigation of a zone to be irrigated by the water irrigation system at least partially based on the community irrigation instructions, and inhibiting irrigation as recited. Watson et al. teaches a sensing unit of a water irrigation system in which power for the sensing unit is provided by solar panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Addink et al. by incorporating a solar panel to supply at least a portion of electricity to the sensing unit as taught by Watson et al.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



DAVIS HWU
PRIMARY EXAMINER